

#440
BILL NO. Z-90-07-11

ZONING MAP ORDINANCE NO. Z-

Withman

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. E-3.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is
hereby designated a B-1-B (Limited Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Beginning at a point on the West line of the South Half
of the Southeast Quarter of Section 7, Township 30
North, Range 12 East, said point being situated 80.0
feet South of the Northwest corner of the said South
Half of the Southeast Quarter of Section 7; thence East
300.0 feet parallel with the North line of the said
South Half of the Southeast Quarter of Section 7;
thence South 109.6 feet parallel with the West line of
the said Quarter Section; thence West 300.0 feet to the
said West line of the said Quarter Section; thence
North on the said West line of said Quarter Section
110.7 feet to the place of beginning, containing 0.77
Acres of land, more or less, subject to all easements
and rights-of-way for Roadway purposes and also subject
to an easement over the East 12.0 feet thereof for
installation and maintenance of sewers, drains, pole
lines, and all other public utilities.

EXCEPT: the East 15 feet of the West 40 feet. The
intent of this dedication is to provide a total of 40
feet of right-of-way from the centerline of Getz Road.

and the symbols of the City of Fort Wayne Zoning Map No. E-
3, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCauley
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury,
seconded by Long, and duly adopted, read the second time by
title and referred to the Committee on Regulations (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on _____, the _____, day
of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 7-10-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____,
seconded by _____, and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>EDMONDS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____
on the _____ day of _____, 19____

ATTEST: _____

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the _____ day of _____, 19____,
at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____,
19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

CL # 1388

RECEIPT

No 7315

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND. May 29 1990

RECEIVED FROM Walter B. Smith \$ 100.00

THE SUM OF One Hundred and no/100's DOLLARS

ON ACCOUNT OF Pay 2349 Kelly Rd.

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

W. E. O'J
AUTHORIZED SIGNATURE

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We NANCY B. Smith
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B1B District the property described as follows:

See attached

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

2349 Metz Rd Fort Wayne 46804

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>NANCY B. Smith</u>	<u>2349 GETZ Rd</u>	<u>Nancy B. Smith</u>
	<u>FT Wayne</u>	
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>Nancy B. Smith</u>	<u>2349 Getz Rd</u>	<u>219-432-1074</u>
<u>(Name)</u>	<u>(Address & Zip Code)</u>	<u>(Telephone Number)</u>

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

See attached

Owners of Property

Nancy B. Smith	2349 GETZ Rd	Nancy B. Smith
(Name)	(Address)	(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE
This form is to be filed in duplicate.

NOTICE:
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

ANDERSON SURVEYING

David M. Anderson

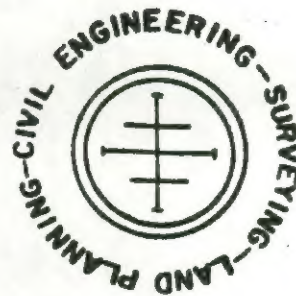
REGISTERED PROFESSIONAL ENGINEER (IND. NO. 17718)

REGISTERED LAND SURVEYOR (IND. NO. S0402)

P.O. Box 12822

Fort Wayne, Indiana 46866

Phone: (219) 483-1724



CERTIFICATE OF SURVEY

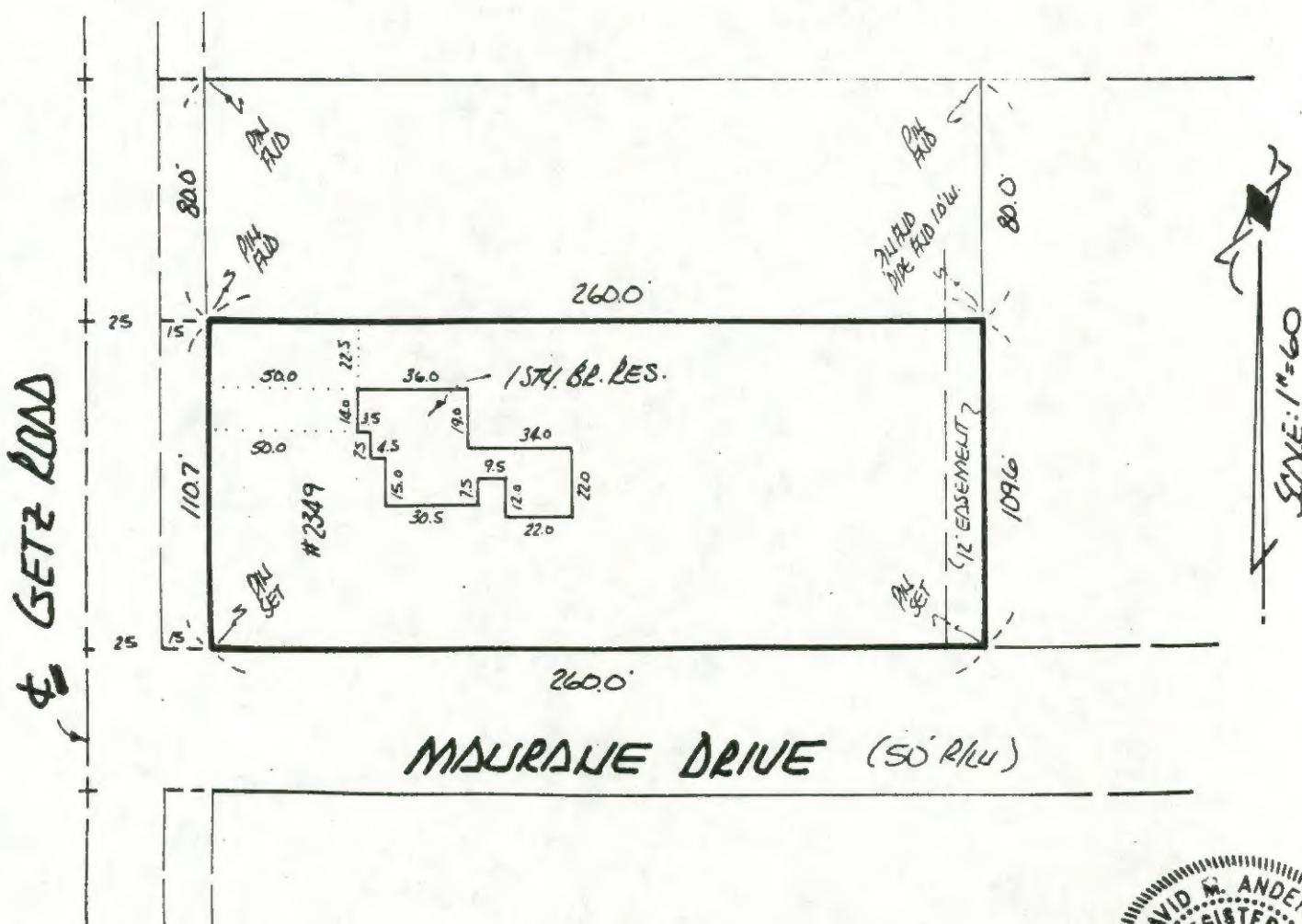
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's Office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Beginning at a point on the West line of the South Half of the Southeast Quarter of Section 7, Township 30 North, Range 12 East, said point being situated 80.0 feet South of the Northwest corner of the said South Half of the Southeast Quarter of Section 7; thence East 300.0 feet parallel with the North line of the said South Half of the Southeast Quarter of Section 7; thence South 109.6 feet parallel with the West line of the said Quarter Section; thence West 300.0 feet to the said West line of the said Quarter Section; thence North on the said West line of said Quarter Section 110.7 feet to the place of beginning, containing 0.77 Acres of land, more or less, subject to all easements and Rights-of-Way for Roadway purposes and also subject to an easement over the East 12.0 feet thereof for installation and maintenance of sewers, drains, pole lines, and all other public utilities.

EXCEPT: The East 15 feet of the West 40 feet. The intent of this dedication is to provide a total of 40 feet of right-of-way from the centerline of Getz Road.

This property is not in a flood hazard area as defined by the Department of HUD-FIA Flood Hazard Boundary Maps.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 10, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-07-11; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 16, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

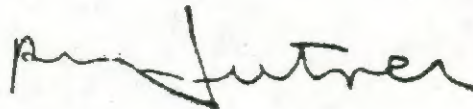
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 23, 1990.

Certified and signed this
25th day of July 1990.



Robert Hutner
Secretary

#440

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 2349 Getz Road

2-90-07-11

EFFECT OF PASSAGE Property is presently zoned RA - Suburban Residential District.
Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

RA to B-1-B

DETAILS

Specific Location and/or Address

2349 Getz Road

Reason for Project

Custom tailoring and alterations shop.

Discussion (Including relationship to other Council actions)

16 July 1990 - Public Hearing

Nancy Smith, 2349 Getz Road, petitioner appeared before the Commission. Ms. Smith stated that she was requesting the rezoning in order to convert her garage into a business for alterations and custom tailoring. She stated that she intends to continue using the home as her residence. She stated that there would be very little change in the appearance of the buildings. She stated to the rear of her property is the Little League Park and Aboite Day Care Center and to the south is a church. She stated that across the street is retail and to the north of her is residential. She stated that there would not be any noticeable change in traffic due to her business. She stated that she presently has two employees. She stated that she is single and this is her only income. She stated that she purchased the house through the advice of the realtors who stated they felt there would be no problem getting it rezoned. She stated her hours of operation would be 8 to 5:30 and a half of day on Saturday.

POSITIONS

RECOMMENDATIONS

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/
Proponents

Applicant(s)

Nancy Smith

City Department

Other

Opponents

Groups or Individuals

Basis of Opposition

Staff
Recommendation☐ For☒ Against

Reason Against
-approval would not be consistent with the existing character of the area

Board or
Commission
Recommendation

By

☐ For☒ Against☐ No Action Taken

☐ For with revisions to condition
(See Details column for condition)

CITY COUNCIL
ACTIONS
(For Council
use only)☐ Pass☐ Other☐ Pass (as amended)☐ Hold☐ Council Sub.☐ Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

23 July 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 29 May 1990

Projected Completion or Occupancy

Date 25 July 1990

Fact Sheet Prepared by
Patricia Biancaniello

Date 25 July 1990

Reviewed by

Date 7-26-90

Larry Maglio
Reference or Case Number

Mrs. Bradbury -

Here is the letter you
said I should file with
you. Thank you so much
for the help and information,

Nancy B. Smith
436-0886

8/14/90
Please send
to C.D. + P. Thanks
JAB.

Aug 8, 1990

In May 1990 I filed a petition to rezone my property at 2349 Getz Road, Fort Wayne from RA to B1B. At this time I withdraw this petition and ask that no further action be taken.

Nancy B. Smith
property owner

- ① Janet Bradberg
- ② City Plan Comm.

Mrs. Janet Bradbury

Delivery by Aug 13 1990

BILL NO. Z-90-07-11

Hold for 8/14
petitioner wants withdrawn - hold for next week

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON _____ REGULATIONS _____ TO WHOM WAS
REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of
Fort Wayne Zoning Map No. E-3

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) ~~(RESOLUTION)~~

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DATED:

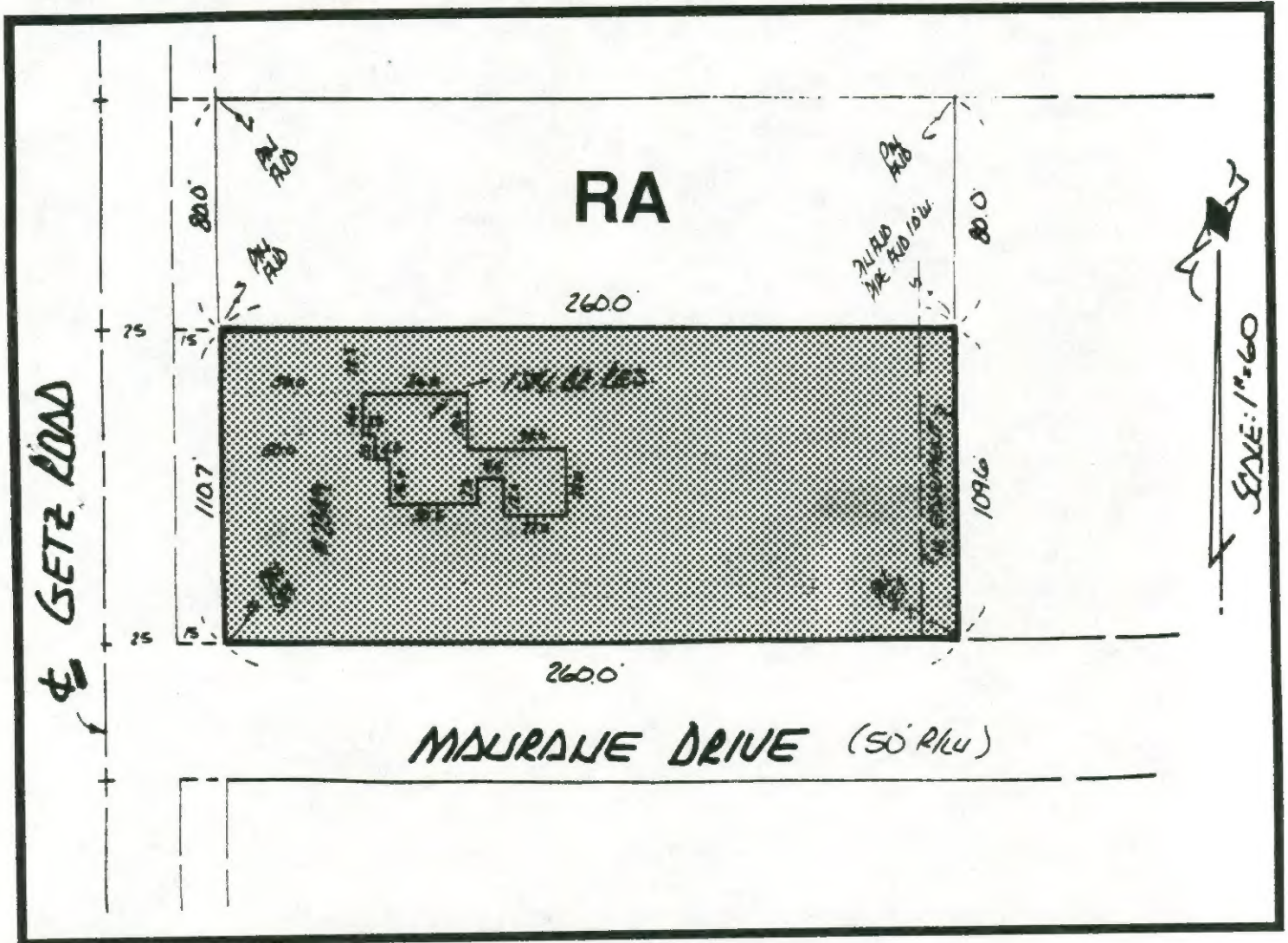
Sandra E. Kennedy
City Clerk

REZONING PETITION #440

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RA DISTRICT TO A B1B DISTRICT.

MAP NO. E-3

COUNCILMANIC DISTRICT NO. 4



ZONING:

RA RESIDENCE "A"

LAND USE:

☐ SINGLE FAMILY

SCALE: 1"=60'

DATE: 6-21-90

